

REMARKS

In view of the amendments and remarks that follow, Applicants respectfully submit that the application is in condition for allowance. Accordingly, applicants request reconsideration of the application, withdrawal of the objections and rejections of record and issuance of a Notice of Allowance.

Claims 1-10 and 20 (not 21 as noted) are pending in the application. Claims 1,2 and 4-10 stand rejected for the reasons of record and Claim 3 is objected to. Claims 1,2 and 5-10 have been canceled and claims 3 and 4 have been amended to put them in condition for allowance. The amendments are not considered to involve the addition of new matter and entry thereof is respectfully requested.

Statement of the Substance of the Interview

The Office has included a telephonic interview summary from the Office's interview with the undersigned attorney on December 21, 2004. Complex composition claims 5 and 6 were discussed and Applicants agreed to cancel the claims. It was also agreed to cancel Claim 20, which was noted as withdrawn due to the restriction requirement. The action and interview summary indicate Claim 21 however, there are only 20 claims in the application.

Double Patenting

The Office has indicated that the comments made during the Interview regarding the allowability of the application were not accurate since the double patenting rejections had not been overcome. These are as noted below:

Claims 1 and 4-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-7, 12 and 16 of co-pending Application No. 09/573,829.

Claims 1 and 4-10 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 16-25 of co-pending Application No. 10/441,848.

Finally, Claims 1, 2 and 4-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 7-20 of co-pending Application No. 10/622,593.

All of the obviousness-type double patenting rejections are considered provisional since none of the conflicting claims have been patented.

Applicants have canceled Claims 1,2 and 5-10 without prejudice to refilling them in a continuing application in order to overcome this ground of rejection. Claim 4 has been amended to depend on Claim 3, which was not included in the double patenting rejection.

Claim 3 is objected to as dependent on a rejected claim but would be allowable if rewritten to include all of the limitations of the base claim. Applicants acknowledge the Office's statement that Claim 3 is allowable because the prior art search in the related area did not teach or suggest the species embraced in Claim 3.

Applicants would like to point out that Claim 3 is an independent claim and as such should be individually allowable. It does not depend on base claims 1 or 2 as written. Claim 4 has been amended to depend on Claim 3 and is also considered to be allowable as amended.

In view of the foregoing, Applicants submit that the application, as amended, is in condition for allowance and courteously solicit a Notice of Allowance.

If any fee due is not accounted for herein, please charge such fee to Deposit Account No. 19-3880. If any extension of time is required and not petitioned for, such extension is hereby petitioned for, and it is requested that any fee due in connection therewith be charged to the aforementioned Deposit Account.

The foregoing response is believed to be fully responsive to the outstanding Office Action. If a direct personal communication would advance the prosecution of this application, please contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



Elliott Korsen
for Applicants
Reg. No. 32,705

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Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-4741